

# Congress of the United States

Washington, DC 20510

June 28, 2007

The Honorable Joseph Lieberman  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Susan Collins  
Ranking Member  
Committee on Homeland Security  
and Governmental Affairs  
344 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Bennie Thompson  
Chairman  
Committee on Homeland Security  
H2-176 Ford House Office Building  
Washington, DC 20515

The Honorable Peter King  
Ranking Member  
Committee on Homeland Security  
H2-117 Ford House Office Building  
Washington, DC 20515

Dear Colleagues:

As Congress approaches the formal conference on S. 4 and H.R. 1, we write to emphasize our bipartisan, bicameral support for Visa Waiver Program (VWP) reform which will advance immediate and long-term U.S. national security and economic interests. The reforms must include security enhancements for new and existing countries to strengthen the program's overall integrity, as well as provide expanded opportunities for additional countries to join the VWP.

We ask that you strengthen and modernize the program based on the legislative proposals we have supported, which served as the basis for the existing visa waiver reform language in S. 4. This approach has the support of the Departments of Homeland Security and State, the business community, and the travel industry.

As you may be aware, the Visa Waiver Program plays a critical role in the economic, cultural, and political relations between the United States and participating countries. Our failure to expand the Visa Waiver Program since 1999 has proven to be a detriment to relationships with some of our closest allies and resulted in lost economic opportunities totaling hundreds of millions of dollars. The arbitrary nature in which program status is granted must be addressed. Clearer criteria for participation should be established; countries who demonstrate their willingness to comply with stringent security requirements should be given the opportunity to participate in the program.

After the tragedy of September 11, 2001, security considerations must be central to modernization of the VWP. We support establishing tough new security requirements for participating countries, including biometric passports, strict screening of individual passengers through an e-travel authorization system, passenger information exchanges, prompt reporting of lost or stolen passports, airport and baggage security standards, and agreements for home country repatriation of any visitors who violate U.S. laws. By adopting these new security protocols, participants will adhere to common security standards and policies designed to limit illegal entry and unlawful presence in

their countries and prevent travel by terrorists or transnational criminals. These security enhancements will greatly improve the integrity of the overall program by closing existing security gaps that need to be better addressed in the post-9/11 environment.

For countries who are willing to comply with these requirements, we must provide a path forward for program membership. Visa waiver modernization should avoid exclusive reliance on an arbitrary and subjective refusal rate in favor of a more comprehensive, security-focused approach which takes into account the totality of a country's risk mitigation measures. We request that the conference agreement provide the greatest flexibility to the Departments of Homeland Security and State to review, on a case-by-case basis, whether countries meet criteria to ensure they do not pose a threat to the security and law enforcement interests of our nation. This approach would allow us to better facilitate travel and build cultural ties, without sacrificing security or the integrity of our borders.

It is our understanding that the lead conferees may be considering a proposal to require the collection of biometric exit data by the year 2008 or 2009 as a condition for visa waiver reform to proceed. We agree that the U.S. government must improve its capability to capture international travelers' information upon their departure from our country. The collection of such data, required by existing law pursuant to Section 7208 of the *Intelligence Reform and Terrorist Prevention Act of 2004*, will greatly enhance the overall integrity of our border management and immigration system. We are encouraged that DHS has already reached 93.1% effectiveness in collecting biographic air exit data as of April 2007. As an additional benchmark for progress, we support requiring DHS to certify that a 97% accurate air exit system is in place before the Administration will have the authority to permit new countries to join the program.

However, given the complexity and uncertainty of the upcoming rulemaking process for biometric exit data collection, we ask that visa waiver reform not be conditioned upon the full implementation of the US-VISIT biometric exit system. We request that you refrain from binding these key priorities together in a manner which could have the unfortunate effect of needlessly delaying critical visa waiver reforms which will make our country safer.

As Members with a wide range of expertise in homeland security and foreign relations, we believe the proposal outlined above offers a reasonable, comprehensive approach to visa waiver reform. This approach represents the opportunity to enhance our national security, boost the economy, and solidify relationships with key allies.

We strongly encourage you to include in the conference agreement the visa waiver reform provisions outlined above, absent additional restrictions.

Sincerely,



Rahm Emanuel  
Member of Congress



George V. Voinovich  
United States Senator

Robert L. Meluskey

Jed Stevens

Dick Legar

Daniel K. Skaka

Robert Weyl

Rubin Hinojosa

William D. Celebut

Jh Jh

Cardyn B. Maloney

Phil English

Paul A. Mangels

Therese Meltz

Grace F. Napolitano

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Scott Ganett

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Daniel Lipinski

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Joseph Crowley

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Mozie K. Hirono

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*Alfred Hartley*

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